



FILED

7-27-16
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's own motion into the operations, practices, and conduct of T C Telephone LLC, doing business as Horizon Cellular, (T C Telephone) (U6875C) and (U4410C), to determine whether T C Telephone violated the laws, rules, and regulations governing the manner in which California consumers are switched from one carrier to another and billed for telephone services.

I.16-01-012
(Filed January 28, 2016)

**MOTION OF THE CONSUMER PROTECTION AND
ENFORCEMENT DIVISION FOR PARTY STATUS**

The Consumer Protection and Enforcement Division¹ (CPED) requests party status in this proceeding, pursuant to the Commission's Rules of Practice and Procedure Rule 1.4(a)(4). An entity may become a party to a proceeding by filing an application or a petition, by filing a protest or response to such, by appearing at the prehearing conference (PHC) and making an oral motion, or by filing a motion to become a party.² Due to an oversight, CPED did not formally request party status at the PHC, necessitating this motion. However, CPED has already participated in this proceeding as if it were a party. CPED's investigative report formed the basis for the Commission's Order, CPED attended the PHC,

¹ SED Staff's Opening Testimony in I.16-01-012 was submitted by the Commission's Utility Enforcement Branch (UEB), which was part of the Commission's Safety and Enforcement Division. As of June 1, 2016, UEB has been combined with other branches to form the Commission's new Consumer Protection and Enforcement Division. Herein, this document refers to CPED as SED's successor division.

² Rule 1.4(a).

CPED filed Opening Testimony, and CPED negotiated a settlement agreement in this case. A proposed settlement agreement was filed jointly on June 24, 2016 by CPED and respondent T C Telephone.

Just recently, the Commission's Docket Office notified CPED that it had not been made a party in this proceeding and that CPED was not allowed to propose the settlement agreement and accompanying Joint Motion for Approval of Settlement Agreement. However, CPED has been acting as the complainant in this proceeding, including submitting a Joint Statement in support of the proposed settlement agreement. CPED's investigative report and its Opening Testimony clearly state "the factual and legal contentions that the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented" in the OII, which is required for party status under Rule 1.4(b).

For these reasons, CPED now formally requests party status to permit it to submit the joint proposed Settlement Agreement and Joint Statement in support of the settlement agreement. CPED's motion satisfies the requirements of Rule 1.4 for party status.

Respectfully submitted,

/s/ TRAVIS T. FOSS

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